THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5726 of 2007

Dated: 22.03.2007

Between:
Basettygari Boya Eswaraiah

…Petitioner

AND

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5726 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.11.85 cents in Survey No.46 situated at Ulchala Village of Kurnool Mandal and District. He claims to have purchased the same under registered sale deed dated 14.06.1939. He allegedly approached the third respondent on 20.04.2005 duly paying the requisite amount on the same day by way of challan No.2568 requesting to survey his land. He alleges that even after lapse of about two years, the respondents did not take any action. Therefore, he filed the present Writ Petition seeking a direction to the third respondent to complete the survey.

After hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A), this Court cannot give a direction as prayed for. The petitioner has not placed any proof before this Court to show that the representation dated 20.04.2005 was in fact given in the Office of the third respondent. Be that as it is, statedly waited for two years, the third respondent may look into the matter and if the application is made by the petitioner, he may take necessary action in accordance with Section 9 of the Andhra Pradesh Survey and Boundaries Act, 1923 (for short 'the Act'), and if for any reason, survey cannot be taken up, the third respondent may pass necessary orders and communicate the same to the petitioner, in which event, it shall be open to the petitioner

to file an appeal before the Commissioner of Survey and Settlements under Section 11 of the Act.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

22.03.2007
vs